

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DEBORAH LAUFER
Plaintiff.

v.

NEWPORT HOTEL GROUP, LLC
Defendant.

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C.A. No.: 1:21-cv-00422-JJM-PAS

DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT

Now comes the defendant Newport Hotel Group, LLC (“Newport”) and moves to dismiss the Plaintiff’s Complaint pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure for lack of Article III standing and pursuant to Rule 12(b)(6) for failure to state a claim upon which relief may be granted. As grounds for its Motion, Newport states that Plaintiff is a serial litigant ‘ADA’ tester who lacks Article III standing and has failed to state a claim upon which relief may be granted, and that her Complaint should, respectfully, be dismissed. Defendant relies upon the memorandum of law attached herein.

WHEREFORE, Defendant respectfully requests that Plaintiff’s Complaint be Dismissed together with such other and further relief as this Court finds just and proper including – but not limited to - fees and costs under 28 U.S.C. Section 1919.

DEFENDANT,
NEWPORT HOTEL GROUP, LLC,
By its Attorneys,

/s/ Samuel Kennedy Smith
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CERTIFICATION

I, Samuel Kennedy-Smith, counsel for Defendant, Newport Hotel Group, LLC, hereby certify that this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this 3rd day of March 2021.

/s/ Samuel Kennedy Smith